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Attorneys for the Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	No. 3:16-cr-00086-SLG-DMS
)	
Plaintiff,)	
)	
vs.)	
)	
)	
JOHN PEARL SMITH, II,)	
)	
Defendant.)	

GOVERNMENT'S NOTICE OF EXPERT EXAMINATION

NOW COMES the United States of America, by Bryan Wilson, Acting United States Attorney for the District of Alaska, and Frank V. Russo, William A. Taylor, and Karen E. Vandergaw, Assistant United States Attorneys, and Department of Justice Trial Attorney James D. Peterson, and files this notice pursuant to the Court's February 12, 2020 Omnibus Order Regarding Rule 12.2 Procedures. ECF No. 683. Specifically, the government provides written notice that:

1. The government experts (psychiatrist and psychologist) will conduct an examination of the defendant starting the week of May 3, 2021, starting at 10:00 am.
2. The specific nature the government's psychological testing will include general mental health functioning, mental illness, and neurocognitive illness, past and present. The psychologist will use tests which specific nature involves tests designed to measure: Attention, concentration, speed of mental processing, language skills, visuospatial skills, learning and memory, basic psychomotor functioning, abstract reasoning, judgment, planning, mental flexibility, emotional and psychological functioning, and symptom and performance validity issues.
3. Pursuant to the Court's February 12, 2020 Omnibus Order Regarding Rule 12.2 Procedures, the government hereby formally requests the defense to provide to government examiners "all of Mr. Smith's past medical records that were provided to the testifying defense mental health experts" at least three weeks prior to the May 3, 2021 testing. ECF No. 683. For purposes of this notice and demand, and the government's interpretation of the Court's February 12, 2020 Omnibus Order Regarding Rule 12.2

Procedures, the term “medical records” includes, but is not limited to, all mental health records as well. *See* ECF No. 683.

4. In order to facilitate the disclosure of “past medical records” to the government experts, the government identifies their examiners as Psychiatrist Dr. Park Dietz and Psychologist Dr. Robert Denney, although the Court’s order does not require the disclosure of the government’s experts. Dr. Dietz’s current CV is attached as Exhibit A. Dr. Denney’s current CV is attached as Exhibit B.

Conclusion

WHEREFORE, the government respectfully files this notice pursuant to the Court’s February 12, 2020 Omnibus Order Regarding Rule 12.2 Procedures. ECF No. 683.

Respectfully Submitted,

E. BRYAN WILSON
Acting United States Attorney

/s/ James D. Peterson
JAMES D. PETERSON
Trial Attorney
United States Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record.

/s/ James D. Peterson
James D. Peterson,
Trial Attorney
Capital Case Section